

# CERTIFICATE OF PUBLICATION

From THE NEWS-POST

Frederick, Md.

## NOTICES

### ORDER OF PUBLICATION

No. 18,770 EQUITY

In the Circuit Court For Frederick County, Maryland in Equity.

The Loats Female Orphan Asylum of Frederick City in the County of Frederick, a body corporate of the State of Maryland, East Church Street, Frederick, Maryland

Vs.

Florence L. Essom, Westminster, Maryland and the unknown heirs, devisees, personal representatives, descendants or successors of John Loats, deceased, and of Louis Loats, deceased.

### ORDER OF PUBLICATION

The object of this suit is to procure a decree whereby the Circuit Court for Frederick County takes jurisdiction in the premises and enters a decree removing the cloud upon the title of the complainant and whereby said Court declares that the complainant has a good and marketable title to the properties mentioned in the bill of complaint and may sell or convey or otherwise deal with said properties or either of them without regard to the claims of the respondent, Florence L. Essom, or of the unknown heirs, devisees, personal representatives, descendants or successors of Louis Loats or of John Loats. An order of publication is prayed against such unknown persons.

The bill states that the Loats Female Orphan Asylum of Frederick City in the County of Frederick is a body corporate of the State of Maryland and since on or about the 5th day of September, 1883, to the present date, has been the owner and in possession of a piece or parcel or real estate together with the improvements thereon, situate, lying and being on East Church Street, in Frederick City and County, Maryland and of a tract of land together with the improvements thereon, situate, lying and being partly inside and partly outside of said City, in said County, which properties were conveyed to the complainant by the Rev. Dr. George Diehl, et al., trustees, by deed dated the 5th day of September, 1883, and recorded in Liber AF No. 7, folio 436, one of the land records of Frederick County, that such properties were devised, after an estate hereinafter mentioned, to the aforesaid trustees by the will of John Loats, deceased, dated the 21st day of November, 1876, and probated on the 10th day of April, 1879, in Liber J.R.R. No. 1, folio 378, one of the records of wills in the office of the Register of Wills of Frederick County, the said John Loats having died on or about the 24th day of March, 1879. Certified copies of said deed and will are filed with the bill of complaint, prayed to be taken as a part thereof, and marked "Complainant's Exhibits One and Two".

That by the second and third paragraphs of the aforesaid will the above properties were devised unto Annie Josephine Sifford for and during the term of her natural life or so long as she may remain single, sole and unmarried, and no longer and the said Annie Josephine Sifford intermarried with one Aubrey Pearre on the 13th day of July, 1881.

That by the eighteenth paragraph of the aforesaid will, the Testator expressed his desire to provide for the care of destitute and deserving, female, orphan children, and to this end, directed that the above named trustees should within 20 years after the death of the Testator, organize a corporation to carry out this desire which wish was accomplished by such trustees through the incorporation of the complainant on or about the 25th day of July, 1881.

That further to carry out his intention as expressed by the eighteenth clause of his will, the said John Loats did, (after the death of the said Annie Josephine Sifford, or upon her marriage, whichever might first occur as above mentioned) devise unto Loats Female Orphan Asylum, upon its incorporation, the real estate herein described in fee simple for the objects above designated, provided that should any legal impediment prevent such property from vesting, it was thereupon devised to such trustees until such incorporation with the direction, upon incorporation, to convey the property forthwith to such corporation.

That said John Loats further provided in paragraph eighteenth of said will that it should not be so construed as that his relatives should take or use said property but nevertheless said Testator provided that if the devise and gift to the trustees should fail to vest from any cause, then, in order to prevent intestacy, such property was devised after the expiration of 20 years from the time of the death of the said Annie Josephine Sifford or from and after the expiration of 20 years from the time of her marriage, whichever might first occur, unto such of the children of his brother, Louis Loats, as might be living at that time and none of his children be then living, to the descendants of such of them as have or shall have survived said Louis Loats, in fee simple.

Frederick, Md. Jan'y. 7, 1958.

This is to certify, That the annexed Notice

.....was published in The Frederick News  
a newspaper published in Frederick County, once a week for 30 days  
the last such publications being made not less than  
four (4) successive weeks prior to the thirty-first  
day of December, 1957.

THE NEWS-POST

Per H. B. Delaplane

Filed January 7, 1958

That the complainant is advised that the respondent, Florence L. Essom, is a child or descendant of the above mentioned Louis Loats, residing at or near Westminster, in Carroll County, Maryland, and that the complainant is further advised that there are or may be other children or descendants of the said Louis Loats now living whose names and addresses are unknown to the complainant; that the complainant is advised that there are or may be now living, heirs, devisees, personal representatives, descendants or successors of John Loats but that the complainant has no knowledge of their names and addresses.

That following the organization of the complainant, it began conducting an asylum for deserving female, orphan children and has from said date conducted such an asylum until about one year prior to the filing of the bill of complaint when, because of certain acts passed by the General Assembly of Maryland regulating the conduct of orphan asylums and because, under modern beliefs, it is not considered to be for the best interest of orphans that they be housed in asylums (it being preferred that they be kept in foster homes), the number of orphans in said asylum became so reduced that the complainant gave serious consideration to its closing and there are no orphans housed therein at this time; that because of the above considerations, the complainant believes that it would be for the benefit and best interests of orphans, who would be eligible for admission and in the furtherance of the principal intent of the said John Loats if the conduct of the asylum were to be discontinued, the property or properties sold, and the proceeds thereof invested in a fund, the income from which would be used by the complainant to contribute to the expense of keeping destitute and deserving, female orphans in foster homes.

That the complainant has been advised that the said Florence L. Essom claims that if the above action is taken, said properties will revert to her and to the other unknown heirs, devisees, personal representatives, descendants or successors of Louis Loats or of John Loats and such claim constitutes a cloud upon the title of the complainant and effectively prevents carrying out any negotiations for the sale of said properties.

That the complainant is advised that it holds a good and marketable fee simple title to said properties under the will and deed mentioned in paragraph FIRST of the bill of complaint, either by their very terms, which are unrestricted, or because the complainant has held such properties openly, notoriously, adversely, under color of title and under claim of right for a period of far more than 20 years.

That the complainant is further advised that neither by the terms of said will or by the terms of said deed, is there a reverter, a possibility of reverter, a reversion or any other interest in said properties in Florence L. Essom or in the heirs, devisees, personal representatives, descendants or successors of Louis Loats or of John Loats.

That an actual controversy exists between the contending parties and antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation.

It is thereupon this 31st day of October, 1957, said bill of complaint and affidavit having been presented to the Court and by the Court read and considered, ORDERED that the plaintiff by causing a copy of this order to be inserted in some newspaper published in said Frederick County, once a week, in each of four successive weeks, the last of such publications to be made not less than 30 days before the 31st day of December, 1957, give notice to the unknown heirs, devisees, personal representatives, descendants or successors of Louis Loats and of John Loats, whether

resident or non-resident, of the object and substance of this bill, warning them to appear in this Court in person or by solicitor before the 31st day of December, 1957, next, to show cause, if any they have, why a decree ought not to be passed as prayed.

PATRICK M. SCHNAUFFER  
Chief Judge

Robert E. Clapp, Jr.  
Solicitor for Complainant  
Filed October 31, 1957  
True Copy—Test:

ELLIS C. WACHTER  
Clerk  
dNov. 1, 8, 15, 22, 29